

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

DATE: June 11, 2013

LEONARD DAVIS
Judge Presiding

Court Reporters: Shea Sloan
Judy Werlinger

Law Clerk: Blaine Larson

Court Administrator: Rosa L Ferguson

ERICSSON, INC, ET AL

V

D-LINK CORPORATION, ET AL

**CIVIL ACTION NO: 6:10-CV-473
JURY TRIAL – DAY 6**

ATTORNEYS FOR PLAINTIFF

ATTORNEYS FOR DEFENDANTS

SEE SIGN-IN SHEETS

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 9:00 am

ADJOURN: 3:05 PM

TIME:	MINUTES:
9:00 am	Trial resumed. Jury seated in the courtroom.
	Mr. Van Nest called Dr. DIETMAR PETRAS by Video Deposition. Mr. Van Nest briefly introduced witness and gave time for deposition. 6:40 for Defendants and :08 for Plaintiffs.
	Mr. Van Nest called Dr. NHILS FORSLUND by Video Deposition. Mr. Van Nest briefly introduced witness and gave time for deposition. 1:12 for Defendants and :14 for Plaintiffs.
	Mr. Van Nest called Dr. RAY PERRYMAN to the witness stand. Witness previously sworn.
	Court inquired if the parties had exhibits to offer.
	Mr. Nemunaitis tendered Plaintiffs' Pre-Admitted Exhibit List for June 11, 2013, and List was marked as Plaintiffs' Exhibit List 6 . Without objection, exhibits on list admitted. Admitted Exhibits: Plaintiff's Exhibit 537 . Mr. Nemunaitis also asked that Plaintiff's Demonstrative List be marked. Mr. DeVries addressed Court and has not had an opportunity to review list. Court advised that it was only being marked. (**NOTE: Demonstrative List NOT tendered).
	Mr. DeVries tendered Defendants' List of Pre-Admitted Exhibit List for June 11, 2013, and List was marked as Defendants' Exhibit List 5 . Without objection exhibits on list admitted. Admitted Exhibits: Defendants' Exhibit 15, 18, 72 – 74, 79, 82, 86 – 90, 100, 105, 127, 152, 156, 175, 180, 186, 335, 404, 405, 511, 516A, 516B, 548, 549, 551, and 572.

TIME:	MINUTES:
	Direct examination of Dr. Perryman by Mr. Jones.
	Mr. Jones asked that the courtroom be sealed.
	SEALED PROCEEDINGS.
	Direct examination of Dr. Perryman continued.
9:50 AM	Mr. Jones advised courtroom could be unsealed. Court UNSEALED PROCEEDINGS.
	Direct examination of Dr. Perryman continued.
	Mr. Jones passed the witness. Cross examination of Dr. Perryman by Mr. Campbell.
10:30 AM	Court in recess until 10:50 am.
10:50 AM	Trial resumed. Jury seated in the courtroom.
	Mr. Campbell asked the courtroom be sealed.
	SEALED PROCEEDINGS.
	Cross examination of Dr. Perryman by Mr. Campbell continued.
	Mr. Campbell passed the witness.
	Redirect examination of Dr. Perryman by Mr. Jones.
	Court UNSEALED PROCEEDINGS.
	Redirect examination of Dr. Perryman by Mr. Jones.
11:00 am	Court in recess for 10 minutes.
11:10 am	Trial resumed. Jury seated in the courtroom.
	Redirect examination of Dr. Perryman by Mr. Jones.
	Mr. Jones passed the witness.
	Recross examination of Dr. Perryman by Mr. Campbell.
	Mr. Campbell passed the witness.
	Mr. Jones offered Demonstratives DDX 5-1 to 5-28. Court will mark those as demonstratives.
	Court asked Jury to pass up their questions.
	Court recessed the Jury.
	Court read Question No.1 (regarding Intel chips being in all defendants' products). No objections by the parties.
	Court read Question No. 2 (regarding suppliers buying Wi-Fi chips). No objections by the parties.
	Court read Question No. 3 (regarding other laptop & chip makers not being a party to lawsuit). Mr. Jones objects. Mr. Campbell concurs. Court sustained objections.
	Court read Question No. 4 (regarding finding a patent with technology you want to license). Mr. Jones objects. Mr. Campbell concurs. Court sustained objections.
	Court asked Jury to be brought in.
	Jury seated in the courtroom.
	Court read Question 1. Dr. Perryman answered.
	Court read Question 2. Dr. Perryman answered.
	Court inquired parties for follow-up questions. None.
	Mr. Jones addressed the Court to reference the email previously shown as DX186.
	Mr. Van Nest called Mr. ANDREAS IWERBACK by Video Deposition. Mr. Van Nest briefly introduced witness and gave time for deposition. 2:15 for Plaintiffs and 7:32 for Defendants.

TIME:	MINUTES:
	Mr. Van Nest addressed the Court and subject to marking demonstratives and submitting all exhibits, DEFENDANTS REST.
	Court inquired if the Plaintiffs have rebuttal evidence.
	Mr. Stevenson recalled Dr. SCOTT NETTLES to the witness stand.
	Mr. Stevenson asked to approach. (Bench Conference held).
	Direct examination of Dr. Nettles by Mr. Stevenson.
12:10 pm	Court recessed the Jury.
	Court inquired of the parties the times for the remaining evidence.
	Court inquired of the parties if they would be ready to proceed with closing arguments.
	Court will have the charge available over lunch and will take up objections after conclusion of evidence.
12:15 pm	Court in recess.
12:45 pm	Trial resumed. Jury seated in the courtroom.
	Direct examination of Dr. Nettles by Mr. Stevenson continued.
	Mr. Stevenson passed the witness.
	Mr. Stevenson addressed the Court and will mark PX Dem 19, and will mark PX 13-18. Court indicated so tendered.
	Cross examination of Dr. Nettles by Mr. Van Nest.
1:00 PM	Court in recess for 15 minutes.
1:25 PM	Trial resumed. Jury seated in the courtroom.
	Cross examination of Dr. Nettles by Mr. Van Nest.
	Mr. Van Nest passed the witness. Redirect examination of Dr. Nettles by Mr. Stevenson.
	Mr. Stevenson passed the witness. Recross examination of Dr. Nettles by Mr. Van Nest.
	Mr. Van Nest passed the witness.
	Court asked Jury to pass up their questions.
	Court recessed the jury.
	Court read Question 1 (regarding '223 Patent and terms "HighMac and Low Mac"). No Objections.
	Court read Question 2 (regarding '568 Patent and service type & traffic identifiers). No Objections.
	Court read Question 3 (regarding chart for identifying TID value). No Objections.
	Court read Question 4 (regarding prior art). Mr. Stevenson objects. Mr. Van Nest disagrees. Court overruled objection. Court asked Witness to answer. Court sustains as to second part.
	Mr. Van Nest asked to approach the bench. (Bench Conference held).
	Court asked for the Jury to be brought in.
	Jury seated in the Courtroom.
	Court asked Question 1 (regarding '223 Patent). Witness answered.
	Court asked Question 2 (regarding '568 Patent). Witness answered.
	Court asked Question 3 (regarding chart for identifying TID value). Witness answered.
	Court asked part of Question 4 (regarding prior art). Witness answered.
	Court inquired of parties to follow-up questions.
	No questions from Mr. Stevenson. Mr. Van Nest asked follow-up questions.

TIME:	MINUTES:
	Court asked Plaintiff to call their next witness. Mr. Cawley indicated PLAINTIFF RESTS. Court inquired of Defendants if they have any additional witnesses.
	Mr. Van Nest recalled DUNCAN KITCHIN to the witness stand.
	Direct examination of Mr. Kitchin by Mr. Arovas.
	Mr. Arovas passed the witness. Cross examination of Mr. Kitchin by Mr. Stevenson.
	Mr. Stevenson passed the witness.
	Court asked Jury to pass up questions.
	Court recessed the Jury.
	Court read Question 1 (regarding Logical Link Layer and MAC Layer). No Objections.
	Court read Question 2 (regarding the OSI reference model). No Objections.
	Court asked for the Jury. Jury seated in the courtroom.
	Court asked Question 1 (regarding Logical Link Layer and MAC Layer). Witness answered.
	Court asked Question 2 (regarding the OSI reference model). Witness answered.
	Court inquired as to follow-up questions. Mr. Arovas asked follow-up questions. None from Mr. Stevenson.
	PLAINTIFFS CLOSE. Subject to marking exhibits and tendering exhibits, DEFENDANTS CLOSE.
	Court addressed the Jury and gave them a brief outline of the remainder of the trial. Court reminded Jury of its instructions.
	Court excused the Jury.
	Mr. Van Nest asked to be excused. Court excused anyone who wished to be excused.
	Mr. Van Nest inquired as to JMOLs. Court asked that they be filed by 7:00 pm.
	Mr. Campbell addressed the Court and renewed JMOLs previously filed and asked if they had to be refilled. Court advised they did not.
	Objections to the Charge taken up.
	Court reminded the parties to have exhibits and final lists ready tomorrow for the Jury.
	Mr. DeVries inquired of the time parties have spent thus far. Plaintiffs have used 13 hours and 45 minutes, and Defendants have used 12 hours and 57 minutes.
	Mr. Campbell inquired as to the RAND portion of the trial tomorrow. Court inquired how long. Mr. DeVries responded. Court will take that up tomorrow afternoon.
3:05 pm	There being nothing further, Court adjourned for the day